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Ingersoll, Charles

ADDRESS delivered before the Law
Academy of Philadelphia at the opening
of the Session of 1833-4.

AD AIG LLa
An address delivered before the
Stanford Law Library

Phila. - Law Academy of Philadelphia,¹⁸³³⁻⁴

AN ADDRESS,

DELIVERED BEFORE

Law Academy
THE LAW ACADEMY

OF **139734**

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AT THE OPENING OF THE SESSION OF 1833-4.

BY CHARLES INGERSOLL,

ONE OF THE VICE PROVOSTS OF THE ACADEMY.

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A D D R E S S.



GENTLEMEN OF THE ACADEMY:

ANOTHER vacation past, you are again assembled to the labours of the law; to urge your way to the term of your apprenticeship, that nearest object of your hope, where striking from the obscure paths of barren noviciate, the fields of your destined career are opened to the view; the Pisgah of your earlier toils, whence you may look down, and refresh your eyes with the promised land of professional reward.) You return to your studies, eager, I am sure, to reach this starting post of the race of honour, and strong, I trust, in all the good resolution, which the hope of attaining their final purpose is entitled to inspire. Embellished as they are by the exercises of the Academy, you come back to them as to a “labour of love,” commanding your affections rather than your duty; not performed as a task, but pursued as a pleasure. Your pains, you would think, not unrequited, had they none but their immediate recompence, and though they were not, as they are, a preliminary to your future success, and a preparation for those difficult endeavours by which legal eminence, like all things worth possessing, must be achieved. Ministers of present enjoyment, and the means of excellence hereafter, they are indebted to the Academy for all their attractive graces, and for much of their actual value. While it encourages and aids your application to books, it teaches practically their uses, and forms you for the habits of your profession. It is the best introduction to public speaking, that most conspicuous of the lawyer's duties. It disciplines, while it informs the mind;

and impresses what it teaches, with more force and greater distinctness than any course of reading, however comprehensive the plan, and assiduous its prosecution. It begets in the student, what the most attentive perusal of the sages of the law seldom gives birth to, a taste for the profession, filling him with that ardent devotion to it, which the native charms of his law books can rarely inspire, and which, when it does spring up without such culture as you apply, is more commonly the result of ambitious regards, than of any sensibility to its attractions. No liberal profession, in its common routine of preparatory studies, wears a less alluring aspect to the probationer than the law. The wonders of religion—the mysteries of medicine—the manly accomplishments of the art of war, win their way to the student's love, and exciting his admiration, or piquing his curiosity, remove the obstacles that beset his first uncertain steps, and lead him gradually onward, unconscious of the perplexities of his path. No such advantages cheer the apprentice of the law. There is little to gladden his progress, or to beguile his toil. He sees only the impediments that surround him, hiding the fair prospect beyond, and presenting none but the sternest objects. No assuring smile lights the formal countenance of Littleton or of Coke. They wear for him the most forbidding aspect. Grim with judicial gravity, they tender their severe, ungarnished pages, without one greeting to welcome to their uncouth domain the generous youth warm from the sunshine of the Muses and the Classics, and the hospitable influence of the frail, but kindly deities of Rome. Lost in the feudal halls and vast intricacies of the law, he may sigh for the grove of Academus, and the immortal glories of the Pantheon.

For you there is no such chilling entertainment. The rigours of your apprenticeship are forgotten, its speculative sameness coloured and diversified by the exercises of the Academy. The monotony of the closet is varied with a rehearsal of the ardent encounters of the Bar. Rescued from the charge of dulness, that unpardonable sin, the study of the



law becomes animated as its practice. The contests of your little Forum urge indifference to exertion, and cheer ambition to its speed ; early aspirations are gratified ; the hopes of more mature distinction awakened and encouraged. Fondness of your profession, that substitute for talent, and without which it is difficult to excel, with all the aid that unwilling genius can afford, here is created and nursed into enthusiasm.

Make the utmost of the opportunities extended to you, and consider your Academic duties, the habits they form, and the character and qualities which they tend to regulate and develop, as of the last moment to your professional success. You may lament that your studies are not more largely influenced by such auspices, that you have not the advantage of a regular school of law—an institution which should carry out into the fulness of which it is capable, the plan of instruction of which the Academy is an imperfect sketch. (Why should the formation of youth for the profession of the law—one whose importance is surely not undervalued, which chiefly supplies the republic with statesmen and legislators, and fills the high office of vindicating the rights of the citizen, and upholding the laws of the land—be limited to the perusal of a few elementary law books ? When all other sciences, and the meanest trades are systematically taught, why should the apprentice of the law be denied due instruction ? How meagre a preliminary is a course of reading to a calling so practical, consisting so much in action, so diversified in its character, so absolute in its various requisitions ! How inadequate, for example, the preparation for a profession—whose most important department is public speaking—which is begun, continued and ended, without any manner of reference to that essential particular.)

This confined path of study is less adapted to modern purposes than it was to those of our fathers who laid it out, and in whose footsteps we humbly pursue it. Since the track was made, our profession has enlarged its sphere, and a course of

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study which may have assorted with the profession as it used to be, is now inappropriate. The lawyers who succeeded in the days just gone, and those who succeed in our own, owe their fortune to more liberal and less technical means, than those which raised to eminence the men of earlier date. The creed which held that a lawyer must be only a delver in law, has ceased to be orthodox, and middle ground is assumed between the doctrine of Cicero, that he must be of universal genius and accomplishment, and that which would unfurnish his mind with all things else, to store it with statutes and authorities. A deep and comprehensive knowledge of law books, though indispensably necessary, is not the only requisite to excel, or the whole endowment for success. Alone they cannot accomplish him; at least for our meridian, where he aspires rather to the dignity of the Advocate, than to the office of the Attorney, though we have thought proper to assume to ourselves in Pennsylvania, the latter somewhat insignificant appellative; selecting from the various charges of our multitudinous vocation, the name of that which is the least popular and the most unimportant. Success here is in the gift of the many; and its highest places are not to be won by *mere* technical proficiency, however great, or without that general and more liberalised merit which all can appreciate. This excursive temper is natural to our condition. The spirit which carries the cobler beyond his last, is the genuine offspring of his right of suffrage; a disposition that waits upon unrestrained freedom of intercourse, and the easy diffusion of all information—from the ephemeral trash of the hour, to the secret of State, importunately wrung from the Government; upon universal education and unstinted equality, which, approximating all men, and levelling them to the same form, bring them into frequent and familiar contact with each other. The legal bigotry which prompted the rebuke, said to have been bestowed, by an English judge upon the young barrister, who transformed his plea of *tout temps pris* from its

original barbarism of Anglo-Norman accent, into the more intelligible graces of modern French, bidding him "*pronounce like a lawyer*," is no longer extant; or, if it do survive, is dwindling from its once palmy state, into poor unnoticed peculiarity. The greatest law name in modern annals, has been gained by an author, the characteristic merit of whose work is its want of technical exclusiveness.

The judicial efforts of Sir William Blackstone, on which he expended his strength, and exhausted the midnight oil, are unheard of beyond the limits of the profession, and there have procured him but the moderate renown of a sound lawyer, while his Commentaries have immortalised his fame, by happy adaptation to popular taste and universal use—by exhibiting the law to public wonder, divested of the pompous deformities of mask and buskin, by transmuting into current coin, and making an object of use and admiration to all, that, whose value, till then, was known only to the alchymist. The philosophic tastes of Bacon were urged, and long prevailed, as reasons for denying him legal preferment. But the law, though thus capable of uningenuous contraction, needs not to be a narrow science. It is originally and essentially liberal; having the largest reference to the affairs, sympathies, and common interests of men. No calling is so universal, in its proper character, or is so much wronged, when pared into technicality, which is no less a fault in the lawyer, than in the legislator himself. A certain degree of it belongs to every art—but as a necessary imperfection, not an ornament.

It was formerly the reproach of the English bar, that their scope was too limited for the grander theatres of action, that the nature of their employment contracted the mind and unfitted them for more enlarged fields, that the sharpened perceptions and bar eloquence of the lawyer, did not consist with the views of the statesman, and the nobler oratory of the Senate. The numerous instances in which reputations of eminent lawyers had been tarnished, by failures in the legislative halls,

seemed to justify the censure. But of late years, there has been no room for it. The most rising public man in England is a lawyer, whose first steps towards the great eminence he has attained, were made at the bar; and it may be asserted, without more liability to contradiction than in any case, where men's merits are opposed and compared, that the most distinguished speaker, at this time, in either House of Parliament, is of the profession of the law. That American lawyers lead the nation, we have but to look to the arena of politics—to the floor of Congress—to the list of our Presidents and great officers of State—or to any general occasion, or display, to be fully convinced. From their professional position, they have easy access to most of the stages on which men love to figure. May it ever be their boast, that their names are known beyond the precincts of the bar! Thus shall its tone be elevated, the pleasures of its practice enhanced, and the law kept pure, by exposure to a broad, wholesome atmosphere.

We have already dispensed, through the medium, sometimes, of silent disuse, or by force of circumstances and situation, and often through legislative interference, with those portions of English law, which, in that country, make the market, and the occasion for that sheer technical merit, which consists in capacity to thread the intricacies of mere formula, or to grope the utter darkness of a family settlement. Our fields afford no such harvest. Our laws, like our other relations of life, are less complicated than those of our forefathers of England. They are free from those infinite entanglements, through which no eye can see, but one accustomed to look upon nothing else. Law, with us, is a less difficult science. It is liberal in its character, and open to all; without those fathomless abysses, in which the poor are drowned in expense and mystery, and where only the rich and friended may venture. Its waters, for so many centuries pent between their jealous shores, in sullen, unprofitable depth, we have spread;

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